

TWELFTH DAY

(Continued)

(Wednesday, October 2, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

SENATE BILL NO. 18 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 18, A bill to be entitled "An Act authorizing commissioners' courts in counties having a population of not less than 125,000 inhabitants and not more than 175,000 inhabitants, and containing a city of not less than 90,000 inhabitants, according to the last preceding Federal census, to levy a direct tax of not more than five cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a board of county development devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 18 ON THIRD READING

Mr. Hankamer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson	Butler of Brazos
Adkins	Butler of Karnes
Aikin	Calvert
Alsup	Canon
Ash	Celaya
Atchison	Clayton
Bergman	Collins
Bourne	Colquitt
Bradbury	Cooper
Broyles	Cowley
Burton	Craddock

Daniel	McConnell
Davisson	McFarland
of Eastland	McKee
Dunagan	McKinney
Dunlap of Hays	Moffett
Dunlap of Kleberg	Moore
England	Morris
Fain	Morrison
Farmer	Morse
Ford	Newton
Fox	Nicholson
Frazer	Patterson
Fuchs	Payne
Gibson	Petsch
Glass	Pope
Good	Reader
Graves	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Riddle
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Roberts
Head	Rogers
Herzik	Russell
Hodges	Rutta
Hofheinz	Scarborough
Hoskins	Shofner
Howard	Smith
Hunter	Stanfield
Hyder	Steward
Jackson	Stinson
James	Stovall
Jefferson	Tennyson
Jones of Atascosa	Thornton
Jones of Falls	Tillery
Jones of Wise	Venable
Keefe	Waggoner
Lange	Walker
Lanning	Wells
Leath	Westfall
Lemens	Wood of Harrison
Lotief	Wood of Montague
Lucas	Worley
Mauritz	Young
McCalla	Youngblood

Nays—1

Lindsey

Present—Not Voting

Cagle	Hunt
Davison of Fisher	Roane

Absent

Alexander	Duvall
Beck	Dwyer
Bradford	Fisher
Caldwell	Hanna
Colson	Hartzog
Crossley	Hill
Davis	Holland
Dickison	Huddleston

Jones of Shelby	Palmer
King	Quinn
Knetsch	Sessions
Latham	Settle
Leonard	Spears
Luker	Tarwater
Olsen	

Absent—Excused

Fitzwater	Padgett
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The Speaker then laid Senate Bill No. 18 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—118

Adamson	Hartzog
Adkins	Head
Aikin	Herzik
Alsup	Hodges
Ash	Hofheinz
Atchison	Hoskins
Bergman	Howard
Bourne	Hunter
Bradbury	Hyder
Broyles	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Calvert	Jones of Falls
Canon	Jones of Wise
Celaya	Keefe
Clayton	Lange
Collins	Lanning
Colquitt	Leath
Cooper	Lemens
Cowley	Leonard
Craddock	Lotief
Daniel	Lucas
Davisson	Luker
of Eastland	Mauritz
Dunagan	McCalla
Dunlap of Hays	McFarland
Dunlap of Kleberg	McKee
Duvall	McKinney
Dwyer	Moffett
Fain	Moore
Farmer	Morris
Ford	Morrison
Fox	Morse
Frazer	Newton
Fuchs	Nicholson
Gibson	Olsen
Glass	Patterson
Good	Payne
Graves	Petsch
Gray	Pope
Greathouse	Reader
Hankamer	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Riddle
Harris of Dallas	Roach of Angelina

Roach of Hunt	Tennyson
Roane	Thornton
Roark	Tillery
Roberts	Venable
Rogers	Waggoner
Russell	Walker
Rutta	Wells
Scarborough	Westfall
Shofner	Wood of Harrison
Smith	Wood of Montague
Stanfield	Worley
Steward	Young
Stinson	Youngblood
Stovall	

Nays—1

Cagle

Present—Not Voting

Davison of Fisher	McConnell
Hunt	Quinn
Lindsey	

Absent

Alexander	Holland
Beck	Huddleston
Bradford	Jones of Shelby
Caldwell	King
Colson	Knetsch
Crossley	Latham
Davis	Palmer
Dickison	Sessions
England	Settle
Fisher	Spears
Hanna	Tarwater
Hill	

Absent—Excused

Fitzwater	Padgett
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SENATE BILL NO. 15 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 15, A bill to be entitled "An Act amending Subdivision 18 of Article 1302, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 15 ON THIRD READING

Mr. Patterson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 15 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson	Jones of Falls
Adkins	Jones of Wise
Alexander	Lange
Alsup	Latham
Ash	Leath
Atchison	Lemens
Bergman	Leonard
Bourne	Lotief
Bradbury	Lucas
Broyles	Mauritz
Burton	McCalla
Butler of Karnes	McConnell
Calvert	McFarland
Canon	McKee
Celaya	McKinney
Clayton	Moffett
Collins	Moore
Colquitt	Morrison
Cowley	Morse
Craddock	Newton
Daniel	Nicholson
Davison of Fisher	Olsen
Davisson	Patterson
of Eastland	Payne
Dunagan	Petsch
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Duvall	Reader
Farmer	Reed of Dallas
Ford	Riddle
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roane
Gibson	Roark
Glass	Roberts
Graves	Rogers
Gray	Russell
Greathouse	Rutta
Hardin	Scarborough
Harris of Archer	Sessions
Harris of Dallas	Shofner
Hartzog	Smith
Head	Stanfield
Herzik	Stinson
Hodges	Stovall
Hofheinz	Tennyson
Holland	Thornton
Hoskins	Tillery
Howard	Waggoner
Hunter	Walker
Hyder	Wells
Jackson	Westfall
James	Wood of Montague
Jefferson	Young
Jones of Atascosa	Youngblood

Nays—11

Aikin	Morris
Cagle	Reed of Bowie
Fain	Venable
Keefe	Wood of Harrison
Lanning	Worley
Lindsey	

Present—Not Voting

England

Absent

Beck	Hanna
Bradford	Hill
Butler of Brazos	Huddleston
Caldwell	Hunt
Colson	Jones of Shelby
Cooper	King
Crossley	Knetsch
Davis	Luker
Dickison	Palmer
Dwyer	Settle
Fisher	Spears
Good	Steward
Hankamer	Tarwater

Absent—Excused

Fitzwater

Padgett

The Speaker then laid Senate Bill No. 15 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Adamson	Glass
Adkins	Gray
Alexander	Greathouse
Alsup	Hankamer
Ash	Hardin
Atchison	Harris of Archer
Bergman	Harris of Dallas
Bourne	Head
Burton	Herzik
Butler of Brazos	Hodges
Butler of Karnes	Hofheinz
Cagle	Holland
Calvert	Hoskins
Canon	Howard
Celaya	Hunter
Clayton	Hyder
Collins	Jackson
Colquitt	James
Cowley	Jefferson
Craddock	Jones of Atascosa
Daniel	Jones of Falls
Davison of Fisher	Jones of Wise
Davisson	Latham
of Eastland	Leath
Dunagan	Lemens
Dunlap of Hays	Leonard
Dunlap of Kleberg	Lotief
Duvall	Lucas
Dwyer	Mauritz
Farmer	McCalla
Ford	McConnell
Fox	McFarland
Frazer	McKee
Fuchs	McKinney
Gibson	Moffett

Moore	Russell
Morse	Rutta
Newton	Scarborough
Nicholson	Shofner
Olsen	Smith
Patterson	Stanfield
Payne	Steward
Petsch	Stinson
Pope	Stovall
Quinn	Tennyson
Reader	Thornton
Reed of Dallas	Tillery
Riddle	Waggoner
Roach of Angelina	Walker
Roach of Hunt	Wells
Roane	Westfall
Roark	Wood of Montague
Roberts	Young
Rogers	Youngblood

Nays—13

Aikin	Lindsey
Bradbury	Morris
Broyles	Morrison
Fain	Reed of Bowie
Hunt	Wood of Harrison
Keefe	Worley
Lanning	

Present—Not Voting

England	Venable
Sessions	

Absent

Beck	Hartzog
Bradford	Hill
Caldwell	Huddleston
Colson	Jones of Shelby
Cooper	King
Crossley	Knetsch
Davis	Lange
Dickison	Luker
Fisher	Palmer
Good	Settle
Graves	Spears
Hanna	Tarwater

Absent—Excused

Fitzwater	Padgett
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MESSAGE FROM THE SENATE

Austin, Texas, October 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 28, A bill to be entitled "An Act making an appropriation for the purpose of reroofing and repairing the Governor's Mansion, and repairing, improving and refurnishing

the Executive Reception Room in the State Capitol Building, and declaring an emergency."

S. B. No. 29, A bill to be entitled "An Act making an appropriation to adjust, correct, and supplement the salaries of certain positions in the State Department of Education, and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to appropriate money to pay all rentals due and unpaid by the State of Texas under contracts made by the Adjutant General with the owners of buildings, for the purpose of housing various kinds of military and army property belonging to the State and used by the National Guard, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary to the Senate.

HOUSE BILL NO. 1 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws and amending the same; and declaring an emergency."

The bill having heretofore been read second time, with committee amendment by Mr. Morse, and substitute amendment by Mr. Thornton for the committee amendment by Mr. Morse, and point of order by Mr. Alsup, on further consideration of the amendment by Mr. Thornton, pending.

Mr. Alsup withdrew the point of order raised on yesterday and submitted the following point of order in lieu thereof:

I make the point of order that all of the provisions of the above named substitute bill, insofar as the same proposes to authorize the various political subdivisions of the State of Texas to determine by a majority vote the question of whether or not the liquors referred to by such provisions should be sold either in "broken" or "unbroken" packages, are unconstitutional for the following reasons:

(a) Because the Legislature is not granted the right to regulate the sale

of intoxicating liquors in any other way or manner than by the passage of a general law applicable to all political subdivisions of the State of Texas alike. For example, the Legislature could not authorize the sale of liquor only in "broken" package in Travis County on the one hand, and on the other authorize the sale of such liquor in Bexar County in "unbroken" packages. The Legislature having no such authority within itself, it is self-evident that it could not confer such authority to create the condition or to bring about the situation mentioned in the preceding sentence by permitting the citizens of Travis and Bexar Counties, by means of elections, to so regulate the sale of intoxicating liquors in each of such counties.

(b) Subparagraph (b) of Section 20, Article XVI of the Constitution only authorizes the qualified voters of the various political subdivisions of the State to "determine whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits." It further provides for elections on the sale of intoxicating liquor of "various types and various alcoholic content." It is self-evident from these plain provisions of subparagraph (b) that the only right of local option conferred by the Constitution is to determine: (1) whether or not the sale of intoxicating liquors should be legalized in whole or prohibited altogether, and (2) what particular "type of various alcoholic content" liquors should be legalized for sale on the one hand or prohibited on the other.

This itemization of the local option privilege as set forth in subparagraph (b) clearly limits the right of the Legislature to confer the local option privilege named in such section and no other. The itemization of the privilege clearly constitutes a limitation upon the rights of the Legislature to authorize elections for the purpose of deciding upon the privileges named in the provisions of said paragraph and no other.

It is the plain and evident purpose of the Thornton amendment to enlarge upon the privileges of local option determination and by having the Legislature add voting privileges other than those which are granted in the aforementioned Constitutional provisions. This is clearly an effort to enlarge these local grants. The Thornton sub-

stitute in that respect fails to recognize that the aforementioned provisions of subparagraph (b) are as a matter of fact limited upon the power of the Legislature and upon the various political subdivisions in relation to their local rights regarding the sale of intoxicating liquors. Such an extension of privileges is not authorized by the Constitution but is directly contrary to its aforementioned expressed limitations and contrary to all established rules of Constitutional construction. For such reasons the before referred to provisions of the Thornton amendment are unconstitutional.

MESSAGE FROM THE SENATE

Austin, Texas, October 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 8, Instructing Board of Directors of the Agricultural and Mechanical College to receive grants of money made by Act of Congress providing for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges.

Has passed

H. B. No. 36, A bill to be entitled "An Act to permit the Bradfish Grain Company and the member or members composing the same to sue the State of Texas and the State Highway Department of Texas for damages; and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 15, "An Act amending Subdivision 18 of Article 1302, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

S. B. No. 18, "An Act authorizing commissioners' courts in counties having a population of not less than 125,000 inhabitants and not more than

175,000 inhabitants, and containing a city of not less than 90,000 inhabitants, according to the last preceding Federal census, to levy a direct tax of not more than five cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a board of county development devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

RECESS

On motion of Mr. McCalla, the House, at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Reader was granted leave of absence for this afternoon on account of important business, on motion of Mr. Fain.

MESSAGE FROM THE SENATE

Austin, Texas, October 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following

S. C. R. No. 2, Granting Miss Hattie Ray Watson permission to bring suit against the State of Texas and State Highway Commission.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 1 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 1, relative to the manufacture and sale of intoxicating liquors, on its passage to engrossment;

The bill having heretofore been read second time, with committee amendment by Mr. Morse and substitute amendment by Mr. Thornton for the committee amendment by Mr. Morse, and point of order by Mr. Alsup on further consideration of the substitute amendment by Mr. Thornton, pending.

Mr. Thornton withdrew the substitute amendment.

Mr. McConnell offered a substitute amendment for the committee amendment by Mr. Morse, which amendment on motion of Mr. Moffett, was ordered not printed in the Journal, same having been mimeographed.

Mr. Harris of Dallas moved to table the substitute amendment by Mr. McConnell.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—80

Adamson	Holland
Alexander	Hoskins
Ash	Howard
Bergman	Hyder
Bourne	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Cagle	King
Caldwell	Knetsch
Celaya	Lange
Clayton	Latham
Collins	Leath
Colquitt	Lucas
Colson	Mauritz
Cooper	McCalla
Crossley	McFarland
Dickison	McKee
Dunagan	McKinney
Dunlap of Hays	Moore
Dunlap of Kleberg	Morse
Duvall	Newton
Fisher	Nicholson
Ford	Olsen
Frazer	Patterson
Fuchs	Pope
Gibson	Reed of Dallas
Good	Roach of Hunt
Greathouse	Roane
Hankamer	Roberts
Hanna	Russell
Harris of Dallas	Rutta
Hartzog	Scarborough
Herzik	Settle
Hill	Shofner
Hodges	Smith
Hofheinz	Steward

Stinson	Waggoner
Thornton	Wood of Montague
Tillery	Young

Nays—52

Adkins	Hunter
Aikin	Jones of Wise
Alsup	Keefe
Atchison	Lanning
Beck	Lemens
Bradbury	Lindsey
Bradford	Lotief
Broyles	McConnell
Canon	Moffett
Craddock	Morris
Daniel	Morrison
Davis	Palmer
Davison of Fisher	Quinn
Davisson	Reed of Bowie
of Eastland	Roach of Angelina
England	Roark
Fain	Sessions
Farmer	Stovall
Fox	Tennyson
Glass	Venable
Graves	Walker
Gray	Wells
Hardin	Westfall
Harris of Archer	Wood of Harrison
Head	Worley
Huddleston	Youngblood
Hunt	

Present—Not Voting

Jones of Falls

Absent

Calvert	Petsch
Cowley	Riddle
Dwyer	Rogers
Jones of Shelby	Spears
Leonard	Stanfield
Luker	Tarwater
Payne	

Absent—Excused

Fitzwater	Reader
Padgett	

Mr. Bradbury offered a substitute amendment for the committee amendment by Mr. Morse, which amendment was ordered not printed in the Journal.

Mr. Bradbury moved that further consideration of House Bill No. 1 be postponed, until the amendment offered by himself can be mimeographed and placed on the members' desk.

The motion prevailed.

HOUSE BILL NO. 21 ON SECOND READING

On motion of Mr. Shofner, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act to amend Article 7060 Revised Civil Statutes of the State of Texas, and declaring an emergency."

The Speaker then laid the bill before the House and it was read second time.

Mr. Colquitt moved that further consideration of House Bill No. 21, be postponed until next Thursday, October 10.

On motion of Mr. Quinn, the motion by Mr. Colquitt was tabled.

Mr. Tennyson offered the following amendment to the bill:

Amend House Bill No. 21 by adding at the end of Section 1 a new Section to read as follows, and renumber other sections accordingly:

"Section 2: That Article 7070, R. C. S. 1925, be amended so as to hereafter read as follows:

'Article 7070: Each individual, company, corporation or association owning, operating, managing or controlling any telephone line or lines or any telephones within this State, and charging for the use of the same, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the gross amount received from all business within this State during the preceding quarter in the payment of charges for the use of its line or lines, telephone and telephones, and from the lease or use of any wires or equipment within this State during said quarter. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the State Treasurer an occupation tax, for the quarter beginning on said date, equal to two per cent of said gross receipts, as shown by said report.'

TENNYSON,
SHOFNER,
CANON,
RIDDLE.

The amendment was adopted.

Mr. Collins offered the following amendment to the bill:

Amend House Bill No. 21, by striking out in line 34 the figures and words "(1%)" wherein they appear, and insert the figures and words "($\frac{3}{4}$) per cent."

On page "2," line 1, where "2 per cent appears" insert in lieu thereof "1½ per cent."

COLLINS,
DUVALL.

Mr. Shofner moved to table the amendment by Mr. Collins.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71

Adkins	Jones of Wise
Aikin	Keefe
Alsup	Lange
Atchison	Lanning
Bourne	Leath
Bradbury	Lemens
Broyles	Lindsey
Burton	Lotief
Butler of Karnes	Lucas
Cagle	McConnell
Canon	McFarland
Craddock	Morris
Davis	Palmer
Davison of Fisher	Patterson
Davison	Quinn
of Eastland	Reed of Bowie
Dickison	Roach of Angelina
Dunlap of Hays	Roach of Hunt
Fain	Roark
Farmer	Rogers
Fisher	Rutta
Ford	Sessions
Fox	Shofner
Frazer	Smith
Gibson	Stanfield
Glass	Stovall
Greathouse	Tarwater
Hardin	Tennyson
Harris of Archer	Tillery
Head	Venable
Herzik	Walker
Hodges	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Jefferson	Worley
Jones of Falls	Youngblood

Nays—48

Adamson	Butler of Brazos
Alexander	Clayton
Ash	Collins
Bradford	Colquitt

Cooper	McKinney
Crossley	Moffett
Dunagan	Moore
Duvall	Morse
Fuchs	Newton
Good	Nicholson
Gray	Olsen
Hankamer	Pope
Hanna	Reed of Dallas
Harris of Dallas	Riddle
Hartzog	Roane
Holland	Roberts
Howard	Russell
Hunter	Settle
Jackson	Steward
James	Stinson
Knetsch	Thornton
Latham	Waggoner
McCalla	Wood of Montague
McKee	Young

Present—Not Voting

Hofheinz

Absent

Beck	Hoskins
Bergman	Hyder
Caldwell	Jones of Atascosa
Calvert	Jones of Shelby
Celaya	King
Colson	Leonard
Cowley	Luker
Daniel	Mauritz
Dunlap of Kleberg	Morrison
Dwyer	Payne
England	Petsch
Graves	Scarborough
Hill	Spears

Absent—Excused

Fitzwater
Padgett

Reader

PAIRED

Mr. Hofheinz (present), who would vote "yea", with Mr. Celaya (absent) who would vote "nay."

Mr. Lindsey offered the following amendment to the bill:

Amend House Bill No. 21, by striking the word "incorporated" in line 29, page 1, and striking the words "Twenty-five (2500) inhabitants and" in lines 29 and 30, page 1.

LINDSEY,
JONES of Wise.

Mr. Alsup offered the following substitute for the amendment by Mr. Lindsey:

Amend House Bill No. 21, lines 29 and 30 by striking out the words and figures "twenty-five hundred (2500)"

and insert in lieu thereof the words and figures: "One thousand (1000)"

The substitute amendment was adopted.

The amendment as substituted was then adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 21 was then passed to engrossment.

HOUSE BILL NO. 21 ON THIRD READING

Mr. Shofner moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103

Adamson	Hankamer
Adkins	Hanna
Aikin	Hardin
Alexander	Harris of Archer
Alsup	Hartzog
Ash	Head
Atchison	Herzik
Beck	Hodges
Bergman	Hoskins
Bourne	Huddleston
Bradbury	Hunt
Bradford	Hunter
Broyles	Hyder
Burton	Jackson
Butler of Karnes	James
Cagle	Jefferson
Canon	Jones of Falls
Craddock	Jones of Shelby
Crossley	Jones of Wise
Daniel	Keefe
Davis	Knetsch
Davison of Fisher	Lanning
Davisson	Latham
of Eastland	Lemens
Dickison	Lindsey
Dunlap of Hays	Lotief
England	Lucas
Fain	Luker
Farmer	McConnell
Fisher	McFarland
Ford	Moffett
Fox	Moore
Frazer	Morris
Glass	Morrison
Good	Newton
Gray	Olsen
Greathouse	Palmer

Patterson	Stanfield
Quinn	Stinson
Reed of Bowie	Stovall
Riddle	Tarwater
Roach of Angelina	Tennyson
Roach of Hunt	Tillery
Roark	Venable
Roberts	Waggoner
Rogers	Walker
Russell	Wells
Rutta	Westfall
Sessions	Wood of Harrison
Settle	Wood of Montague
Shofner	Worley
Smith	Youngblood

Nays—17

Collins	Morse
Colquitt	Nicholson
Cowley	Pope
Dunagan	Reed of Dallas
Duvall	Roane
Harris of Dallas	Steward
Howard	Thornton
McCalla	Young
McKee	

Present—Not Voting

Hofheinz

Absent

Butler of Brazos	Holland
Caldwell	Jones of Atascosa
Calvert	King
Celaya	Lange
Clayton	Leath
Colson	Leonard
Cooper	Mauritz
Dunlap of Kleberg	McKinney
Dwyer	Payne
Fuchs	Petsch
Gibson	Scarborough
Graves	Spears
Hill	

Absent—Excused

Fitzwater	Reader
Padgett	

PAIRED

Mr. Hofheinz (present), who would vote "yea", with Mr. Celaya (absent) who would vote "nay."

The Speaker then laid House Bill No. 21 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

Adamson	Alexander
Adkins	Alsup
Aikin	Ash

Atchison	Jones of Falls
Beck	Jones of Shelby
Bergman	Jones of Wise
Bourne	Keefe
Bradbury	Knetsch
Bradford	Lange
Broyles	Lanning
Burton	Latham
Butler of Brazos	Lemens
Butler of Karnes	Lindsey
Cagle	Lotief
Canon	Lucas
Collins	Luker
Cooper	McConnell
Craddock	McFarland
Daniel	Moffett
Davis	Moore
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Newton
Dickison	Palmer
Dunlap of Hays	Patterson
Duvall	Quinn
England	Reed of Bowie
Fain	Riddle
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roark
Fox	Roberts
Frazer	Rogers
Fuchs	Russell
Gibson	Rutta
Glass	Sessions
Good	Settle
Gray	Shofner
Greathouse	Smith
Hankamer	Stanfield
Hanna	Stinson
Hardin	Stovall
Harris of Archer	Tarwater
Head	Tennyson
Herzik	Tillery
Hodges	Venable
Hoskins	Waggoner
Huddleston	Walker
Hunt	Wells
Hunter	Westfall
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jefferson	Youngblood
Jones of Atascosa	

Nays—17

Colquitt	Nicholson
Cowley	Olsen
Dunlap of Kleberg	Pope
Dwyer	Reed of Dallas
Harris of Dallas	Roane
Howard	Steward
McCalla	Thornton
McKee	Young
Morse	

Present—Not Voting

Crossley	Hofheinz
Absent	
Caldwell	King
Calvert	Leath
Celaya	Leonard
Clayton	Mauritz
Colson	McKinney
Dunagan	Payne
Graves	Petsch
Hartzog	Scarborough
Hill	Spears
Holland	

Absent—Excused

Fitzwater	Reader
Padgett	

PAIRED

Mr. Hofheinz (present), who would vote "yea", with Mr. Celaya (absent) who would vote "nay."

REASON FOR VOTE

I voted against House Bill No. 21 because in my opinion an increase of 100% in the occupation tax now imposed on utilities is unreasonable. An increase of 50% in said tax would have been reasonable and would have received my vote.

THORNTON.

TO GRANT MISS HATTIE RAY WATSON PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 2, To grant Miss Hattie Ray Watson permission to sue the State.

Whereas, On or about the 15th day of May, 1935, Miss Hattie Ray Watson, daughter of T. T. Watson of Leon County, Texas, was traveling as a guest in a car driven by Freddie Jones in Trinity County, Texas, and was going from the Town of Groveton to the Town of Trinity in Trinity County, Texas, and at Caney Creek on said highway the same being a State Highway and maintained under the direction of the State Highway Commission, the bridge and a portion thereof was washed away, and the employees of the State Highway Commission had placed two runners, the same being about eight or ten inches wide across and over the washed out portion of

said bridge, and abutment, so that cars crossing said bridge would run about five or six feet over said runners. That no danger sign was at or near said place indicating that there was danger in crossing said bridge, and no person was stationed thereat to give danger signals and the car driven by Freddie Jones in which Hattie Ray Watson was riding was driven up to and on said runners before the driver, Freddie Jones, realized that there was danger and the said Freddie Jones in applying his brakes caused said car to turn off of said runners and into said creek to a depth of about twenty feet, and in turning off and falling into said creek Miss Hattie Ray Watson was injured to such an extent that her entire right arm had to be removed and the cost for said operation was heavy, and she, the said Miss Hattie Ray Watson, is damaged by reason of the loss of her arm for her entire life in addition to the physical pain and suffering, and in addition to the loss of usefulness of said right arm; and

Whereas, She, Miss Hattie Ray Watson did suffer intense physical pain, and has lost the use of her right arm and has incurred Three Hundred Fifty (\$350.00) Dollars or more expense incident to the removal of her arm; and

Whereas, The accident was caused by the carelessness and negligence of an employee and/or employees of the State Highway Department; and

Whereas, Miss Hattie Ray Watson desires to bring suit against the State of Texas and the State Highway Department of Texas for such an amount as may be sufficient to compensate her for the loss of her arm, for the physical pain suffered, and for the expenses of her operation; and

Whereas, The said Miss Hattie Ray Watson has not been compensated for her loss; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Miss Hattie Ray Watson or her heirs, executors and administrators, be and they are hereby authorized to bring suit against the State Highway Department of Texas and the State of Texas, in any Court of competent jurisdiction of Travis County, Texas for such amount as said Miss Hattie Ray Watson may be entitled to recover by reason of such resulting damages; and that in case such suit be filed, service of citation or other necessary process be had upon

the Governor of the State of Texas, the Chairman of the State Highway Commission of Texas, and the Attorney General of Texas, and that the same have the same force and effect as made and provided in civil cases; and provided that either one of the parties of said suit shall have the right to appeal without the execution of bond; and that any judgment that may be finally established against the State of Texas and The State Highway Commission of Texas, or either of them, in said suit shall be a liquidated debt, and shall be paid by the State Highway Commission of Texas out of the State Highway funds.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

HOUSE BILL NO. 97 ON SECOND READING

On motion of Mr. Dickison, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 97.

Mr. Jefferson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 97 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson	Davison of Fisher
Adkins	Davisson
Aikin	of Eastland
Alsup	Dickison
Ash	Dunlap of Hays
Bourne	Dwyer
Bradbury	England
Bradford	Fain
Broyles	Farmer
Burton	Fisher
Butler of Brazos	Ford
Butler of Karnes	Fox
Cagle	Frazer
Canon	Fuchs
Clayton	Gibson
Collins	Glass
Colquitt	Good
Cooper	Gray
Cowley	Greathouse
Craddock	Hankamer
Crossley	Hanna
Daniel	Hardin
Davis	Harris of Archer

Harris of Dallas	Morse
Hartzog	Newton
Herzik	Olsen
Hodges	Patterson
Hofheinz	Pope
Holland	Quinn
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Huddleston	Riddle
Hunter	Roach of Angelina
Jackson	Roach of Hunt
James	Roark
Jefferson	Roberts
Jones of Atascosa	Rogers
Jones of Falls	Russell
Jones of Shelby	Rutta
Jones of Wise	Settle
Keefe	Shofner
King	Smith
Knetsch	Stanfield
Lange	Steward
Latham	Stinson
Lemens	Stovall
Lotief	Tarwater
Lucas	Thornton
McCalla	Tillery
McConnell	Venable
McFarland	Waggoner
McKinney	Walker
Moore	Westfall
Moffett	Wood of Montague
Morris	Worley
Morrison	Youngblood

Nays—4

Hunt	Palmer
Lindsey	Wood of Harrison

Present—Not Voting

Roane

Absent

Alexander	Lanning
Atchison	Leath
Beck	Leonard
Bergman	Luker
Caldwell	Mauritz
Calvert	McKee
Celaya	Nicholson
Colson	Payne
Dunagan	Petsch
Dunlap of Kleberg	Scarborough
Duvall	Sessions
Graves	Spears
Head	Tennyson
Hill	Wells
Hyder	Young

Absent—Excused

Fitzwater	Reader
Padgett	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 97, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said districts, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 97 ON THIRD READING

The Speaker then laid House Bill No. 97 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—112

Adamson	Glass
Adkins	Good
Aikin	Gray
Alsup	Greathouse
Ash	Hankamer
Bourne	Hardin
Bradbury	Harris of Archer
Broyles	Harris of Dallas
Burton	Hartzog
Butler of Brazos	Herzik
Butler of Karnes	Hill
Canon	Hodges
Clayton	Hofheinz
Collins	Hoskins
Colquitt	Howard
Cooper	Huddleston
Cowley	Hunter
Craddock	Jackson
Crossley	James
Daniel	Jefferson
Davis	Jones of Atascosa
Davison of Fisher	Jones of Falls
Davisson	Jones of Shelby
of Eastland	Jones of Wise
Dickison	Keefe
Dunlap of Hays	King
Dunlap of Kleberg	Knetsch
Duvall	Lange
Dwyer	Lanning
England	Latham
Fain	Lemens
Farmer	Lotief
Fisher	Lucas
Ford	Luker
Fox	McCalla
Fuchs	McConnell
Gibson	McFarland

McKee	Russell
McKinney	Rutta
Moffett	Sessions
Moore	Settle
Morris	Shofner
Morrison	Smith
Morse	Stanfield
Newton	Steward
Nicholson	Stinson
Olsen	Stovall
Palmer	Tarwater
Patterson	Tennyson
Quinn	Thornton
Reed of Bowie	Waggoner
Reed of Dallas	Westfall
Riddle	Wood of Montague
Roach of Angelina	Worley
Roark	Young
Roberts	Youngblood
Rogers	

Nays—3

Lindsey	Wood of Harrison
Roane	

Absent

Alexander	Hunt
Atchison	Hyder
Beck	Leath
Bergman	Leonard
Bradford	Mauritz
Cagle	Payne
Caldwell	Petsch
Calvert	Pope
Celaya	Roach of Hunt
Colson	Scarborough
Dunagan	Spears
Frazer	Tillery
Graves	Venable
Hanna	Walker
Head	Wells
Holland	

Absent—Excused

Fitzwater	Reader
Padgett	

HOUSE BILL NO. 52 ON SECOND READING

On motion of Mrs. Moore (by unanimous consent) the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 52, A bill to be entitled "An Act amending Subdivision (h) Section 5, Chapter 116, Acts of Forty-third Legislature, and declaring an emergency."

The Speaker then laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 52 ON THIRD READING

Mrs. Moore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson	Hunter
Adkins	Hyder
Aikin	Jackson
Alsup	James
Ash	Jefferson
Atchison	Jones of Atascosa
Beck	Jones of Falls
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	King
Bradford	Knetsch
Broyles	Lange
Burton	Lanning
Butler of Karnes	Latham
Cagle	Leath
Canon	Lemens
Clayton	Lindsey
Collins	Lotief
Colquitt	Lucas
Cowley	Luker
Craddock	McCalla
Crossley	McConnell
Davis	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dunlap of Hays	Moore
Dunlap of Kleberg	Morris
Fain	Morrison
Farmer	Newton
Fisher	Nicholson
Ford	Olsen
Fox	Palmer
Frazer	Patterson
Fuchs	Petsch
Gibson	Quinn
Glass	Reed of Bowie
Good	Reed of Dallas
Gray	Riddle
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Rogers
Hartzog	Russell
Herzik	Rutta
Hodges	Sessions
Hofheinz	Settle
Holland	Smith
Hoskins	Stanfield
Howard	Steward
Huddleston	Stinson
Hunt	Stovall

Tennyson	Wells
Thornton	Westfall
Tillery	Wood of Harrison
Venable	Wood of Montague
Waggoner	Worley
Walker	Young

Nays—1

Morse

Absent

Alexander	Harris of Dallas
Butler of Brazos	Head
Caldwell	Hill
Calvert	Keefe
Celaya	Leonard
Colson	Mauritz
Cooper	Payne
Daniel	Pope
Dickison	Roach of Angelina
Dunagan	Roach of Hunt
Duvall	Scarborough
Dwyer	Shofner
England	Spears
Graves	Tarwater
Harris of Archer	Youngblood

Absent—Excused

Fitzwater	Reader
Padgett	

The Speaker then laid House Bill No. 52 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—115

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunlap of Hays
Alsup	Dunlap of Kleberg
Ash	Fain
Atchison	Farmer
Beck	Fisher
Bergman	Ford
Bourne	Fox
Bradbury	Frazer
Broyles	Fuchs
Burton	Gibson
Butler of Brazos	Glass
Butler of Karnes	Good
Cagle	Gray
Canon	Greathouse
Clayton	Hankamer
Collins	Hanna
Colquitt	Hardin
Cowley	Hodges
Craddock	Hofheinz
Crossley	Holland
Daniel	Hoskins
Davis	Huddleston
Davison of Fisher	Hunt

Hunter	Pope
Hyder	Quinn
Jackson	Reed of Bowie
James	Reed of Dallas
Jefferson	Riddle
Jones of Falls	Roane
Jones of Shelby	Roark
Jones of Wise	Roberts
King	Rogers
Lange	Russell
Lanning	Rutta
Latham	Sessions
Leath	Settle
Lemens	Shofner
Leonard	Smith
Lindsey	Stanfield
Lucas	Steward
Luker	Stinson
McCalla	Stovall
McConnell	Tarwater
McFarland	Tennyson
McKee	Thornton
McKinney	Tillery
Moffett	Venable
Moore	Waggoner
Morris	Walker
Morrison	Wells
Newton	Westfall
Nicholson	Wood of Harrison
Olsen	Wood of Montague
Palmer	Worley
Patterson	Young
Petsch	Youngblood

Nays—1

Morse

Absent

Alexander	Hartzog
Bradford	Head
Caldwell	Herzik
Calvert	Hill
Celaya	Howard
Colson	Jones of Atascosa
Cooper	Keefe
Dickison	Knetsch
Dunagan	Lotief
Duvall	Mauritz
Dwyer	Payne
England	Roach of Angelina
Graves	Roach of Hunt
Harris of Archer	Scarborough
Harris of Dallas	Spears

Absent—Excused

Fitzwater	Reader
Padgett	

HOUSE BILL NO. 56 ON SECOND READING

On motion of Mr. Good, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 56, A bill to be entitled "An Act defining the terms "Domino Hall, Domino Table" and "Owner" as used herein, and levying an annual occupation tax thereon; prohibiting the operation thereof without payment of the tax and providing a penalty for violation thereof; providing for the mode and manner of collecting said tax and allocating the funds received from said tax; etc., and declaring an emergency."

The Speaker then laid the bill before the House, and it was read second time.

Mr. Jones of Wise offered the following amendment to the bill:

Amend House Bill No. 56 by inserting in line 38, page 1, after the word "table," "operated for hire."

JONES of Wise,
BURTON.

The amendment was adopted.

Mr. Lotief offered the following amendment to the bill:

Amend House Bill No. 56, by striking out the figures "\$10.00" and insert in lieu thereof the figures, "\$5.00."

And strike out the figures "\$5.00" and insert in lieu thereof "\$2.00."

Mr. Lotief moved that House Bill No. 56 be tabled.

Question recurring on the motion by Mr. Lotief, to table House Bill No. 56, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—47

Adamson	Hofheinz
Alsup	Hoskins
Ash	Huddleston
Atchison	Jackson
Bergman	Jones of Wise
Bourne	Knetsch
Bradbury	Lanning
Butler of Karnes	Latham
Canon	Lindsey
Clayton	Lotief
Cooper	McCalla
Cowley	McConnell
Crossley	McFarland
Davison of Fisher	Olsen
Farmer	Reed of Dallas
Ford	Kiddle
Fuchs	Roane
Gibson	Roark
Hanna	Rogers
Hardin	Smith
Herzik	Stinson
Hodges	Waggoner

Westfall
Young

Youngblood

Nays—66

Aikin	Leath
Alexander	Lemens
Beck	Lucas
Bradford	McKee
Broyles	Moffett
Burton	Moore
Butler of Brazos	Morris
Cagle	Morse
Calvert	Newton
Collins	Nicholson
Colquitt	Patterson
Craddock	Pope
Davis	Quinn
Dunlap of Hays	Reed of Bowie
England	Roach of Angelina
Fain	Roach of Hunt
Fisher	Roberts
Frazer	Russell
Glass	Rutta
Good	Sessions
Gray	Settle
Greathouse	Stanfield
Hartzog	Steward
Head	Stovall
Holland	Tarwater
Hunt	Tennyson
Hunter	Thornton
Hyder	Tillery
James	Walker
Jefferson	Wells
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague
Keefe	Worley

Absent

Adkins	Hill
Caldwell	Howard
Celaya	Jones of Atascosa
Colson	King
Daniel	Lange
Davissan	Leonard
of Eastland	Luker
Dickison	Mauritz
Dunagan	McKinney
Dunlap of Kleberg	Morrison
Duvall	Palmer
Dwyer	Payne
Fox	Petsch
Graves	Scarborough
Hankamer	Shofner
Harris of Archer	Spears
Harris of Dallas	Venable

Absent—Excused

Fitzwater	Reader
Padgett	

Mr. Good moved to table the amendment by Mr. Lotief.

The motion to table was lost.

Question recurring on the amendment by Mr. Lotief, it was adopted.

Mr. Wells offered the following amendment to the bill:

Amend House Bill No. 56, Sec. 7, by adding the following:

"The Comptroller of Public Accounts is authorized to use 2% of the gross collection of this tax for enforcement and collection. Additional employees, employed to enforce this law shall be placed on same salary scale as other tax supervisors in the Comptrollers Department."

Mr. Pope offered the following substitute for the amendment by Mr. Wells:

Amend House Bill No. 56 by adding after the word "by" in line 7, page 2, the following:

"The County Tax Collector and reported as are other occupation taxes" and by striking out the words "and paid" at the end of said line 7, page 2, and changing the word "Comptroller" in line 12, page 2, to the words, "County Tax Collector."

The substitute amendment was adopted.

The amendment as substituted was adopted.

Question—Shall House Bill No. 56 pass to engrossment?

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Pope:

H. B. No. 100, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by general or special law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation, etc., and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Leonard:

H. B. No. 101, A bill to be entitled "An Act granting aid to the property in and inhabitants of Hidalgo County, Texas, and to Hidalgo County made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said County and to Hidalgo County all state ad valorem taxes levied or to be levied on property in said County, including the rolling stock of railroads and three-fourths of the state occupation taxes, for the years 1924 to 1948, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Morris, Mr. Burton, Mr. Steward and Mr. Jones of Wise:

H. B. No. 102, A bill to be entitled "An Act to amend the Acts of the Forty-second Legislature, Regular Session, Chapter 162, page 286, Section 1, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Frazer:

H. B. No. 103, A bill to be entitled "An Act to validate all tax values and outstanding warrants or scrip in certain counties in which the Commissioners Courts have failed to comply with the provisions of the uniform budget law; making this Act applicable only to counties having a population of not less than twenty-seven thousand and not more than twenty-eight thousand according to the next preceding Federal census; and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Lucas, Mr. Pope, Mr. Celaya, Mr. Leath, Mr. Roach of Angelina, Mr. McConnell, Mr. Davis, Mr. Huddleston, Mr. Palmer, Mr. Fain, Mr. Butler of Karnes, Mr. Hoskins, Mr. Farmer, Mr. Hardin, Mr. Colson, Mr. Jones of Shelby, Mr. Newton, Mr. Westfall, Mr. Young, Mr. Hunt, Mr. Bradbury, Mr. Olsen, Mr. Knetsch, Mr. Mauritz, Mr. Adkins, Mr. Calvert, Mr. Herzik, Mr. Wood of

Montague, Mr. Payne and Mr. Craddock:

H. B. No. 104, A bill to be entitled "An Act amending Section 1, Chapter 314, Acts Regular Session, Forty-first Legislature, 1929, as amended by Chapter 277, Acts Regular Session of the Forty-second Legislature, 1931, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

SENATE BILLS ON FIRST READING

The following Senate bills received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 30, to the Committee on Appropriations.

S. B. No. 28, to the Committee on Appropriations.

S. B. No. 29, to the Committee on Appropriations.

RECESS

Mr. Roark moved that the House adjourn until 9:00 o'clock a. m., tomorrow.

Mr. Quinn moved that the House recess to 9:00 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Quinn, it prevailed, and the House accordingly, at 5:20 o'clock p. m., took recess to 9:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Conservation and Reclamation: House Bill No. 101.

Education: House Bill No. 82.

Privileges, Suffrage and Elections: House Bills Nos. 55 and 95.

Revenue and Taxation: House Bill No. 51.

School Districts: Senate Bill No. 8.

State Affairs: Senate Concurrent Resolution No. 2.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, October 1, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 48, A bill to be entitled "An Act to add a new section to be known as Section 16a to, and to amend Sections 1 and 7 of, Senate Bill No. 43, Chapter 17, of the General and Special Laws passed by the Second Called Session of the Forty-third Legislature of the State of Texas, which Act relates to the issuance of bonds, notes, or warrants payable from revenues other than taxation, for the construction, maintenance, and operation of certain improvements in certain cities, and authorizes such cities to borrow money from the United States Government or other Federal Agencies, or from any person, firm or corporation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 36, "An Act to permit the Bradfish Grain Company and the member or members composing the same to sue the State of Texas and the State Highway Department, of Texas, for damages alleged to have been done and to have accrued to the property of said company, which is used for conducting a grain business in the City of Weatherford, said property being used in conducting a feed and grain business and located on the North side and adjoining Fort Worth Street and State Highway No. 1; said damages being alleged to have resulted from the construction and maintenance of a viaduct and dump on said Street and Highway in front of said Grain Company's said place of business by

obstructing and cutting off access thereto; fixing the venue of such suit and appropriating a sufficient amount of money to pay whatever judgment may be recovered therein; providing for the service of process on any member of the State Highway Department, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Austin, Texas, October 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 8, Relative to cooperative agricultural extension work.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

In Memory of Hon. Bennett L. Gill

(Mr. Morse in the Chair.)

Mr. Colquitt offered the following resolution:

Whereas, On the first day of October, 1935, the Great Master of the universe called from the walks of man the Honorable Bennett L. Gill, of Terrell, Texas; and

Whereas, The Honorable Bennett L. Gill was an outstanding citizen of Texas, whose every act and walk in life radiated sunshine and pleasant association, bringing to him a great number of friends in the State of Texas; and

Whereas, The deceased was a man possessing most lovable, admirable personality, and splendid traits of character; and

Whereas, He was a staunch democrat, always upheld democratic principles loyally and without mental reservation or secret evasion of mind; and

Whereas, In the passing of this distinguished gentleman his community has lost a beautiful and shining character, his State a loyal citizen, and the public at large a true and unquestioned friend; and

Whereas, The deceased served with distinction and credit as State Insurance and Banking Commissioner during Governor O. B. Colquitt's administration, which position he resigned to become active Vice-President of the Seaboard National Bank of New York. He retained this position until the age of sixty, when he returned to his former home in Terrell where he spent the remainder of his life; now, therefore, be it

Resolved by the Legislature of the State of Texas, That the members thereof regret exceedingly the untimely passing of this worthy man, and deeply sympathize with his bereaved family; and be it further

Resolved, That a copy of this Resolution be spread upon the House Journal of today, in memory of the deceased; and be it further

Resolved, That when the House adjourns today it do so in respect and in memory of this illustrious statesman; and be it further

Resolved, That the Chief Clerk of the House send to the family of the deceased, at Terrell, Texas, a copy of this resolution, under the seal of the House of Representatives.

COLQUITT,
PAYNE,
MORRISON.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox of Williamson, Frazer, Fuchs of Washington, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young, Youngblood.

On the motion of Mr. Roane, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.